IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2268 OF 2004

Bhogilal Hargovinddas Charitable Trust & Ors. .. Petitioners
V/s
Municipal Corpn. of Gr.Mumbai & Ors. .. Respondents

Mr.D.B.Shroff with Mr.C.S.Balsara & Mr.H.N.Vakil i/by M/s.Mulla & Mulla & Craigie Blunt & Caroe for the Petitioners.

Ms.N.V.Sanglikar for the Respondents.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 22.03.2005.

P.C.:

1. Petitioner has already preferred an appeal which is pending before the Small Causes Court. The Statute requires that the amount due be deposited in the Small Causes Court.

2. The present petition is for the same reliefs claimed in the appeal. It is contended on behalf of the petitioner that they have paid their dues and under these circumstances, the Respondents were duty bound to re-connect the water supply, and the Respondents having failed to do so, the petitioners cannot be saddled with water charges and sewerage charges as demanded. It is submitted that apart from these two charges, the petitioners have paid all other dues.

3. Considering the fact that there is a statutory

appeal and the appellants are before the Appellate Authority, the issue which is canvassed here can be canvassed before the Appellate Authority. This is not a fit case to exercise the extra ordinary jurisdiction of this Court. No interference is called for. Petition dismissed.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)